



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

AUG 23 2005

Mr. Bob Robinson Sr.
President/CEO
Kaivac, Inc.
401 South Third Street
Hamilton, OH 45011

Ref No.: 05-0175

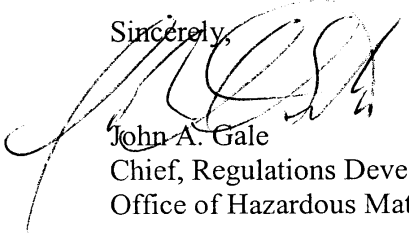
Dear Mr. Robinson:

This responds to your July 11, 2005 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if your commercial cleaning chemical "KaiBlooeey" should be classified as a Class 8, PG II or PG III hazardous material. You indicate that it was tested in accordance with the Corrositex test, authorized by exemption DOT E-10904, in place of the testing requirements specified in § 173.137. In addition, you state that "KaiBlooeey" contains 10% dilutions of phosphoric acid, UN1805 and sulfamic acid, UN2967, two packing group III corrosive materials, and no other hazardous materials.

In accordance with § 173.22, it is the shipper's responsibility to properly classify a material. To determine the packing group of a corrosive material, the HMR authorize the use of the skin necrosis test (1992 OECD Guideline for Testing of Chemicals, Number 404 "Acute Dermal Irritation/Corrosion") referenced in § 173.137. In addition, exemption DOT E-10904 allows certain materials to be tested using the Corrositex test you reference. Either test by itself is sufficient to determine the packing group for your material; however, the Corrositex test may be more stringent than the skin necrosis test. If you disagree with the results provided by the Corrositex test we suggest that you perform the skin necrosis test specified in § 173.137 and classify your product in accordance with the results of that test.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale
Chief, Regulations Development
Office of Hazardous Materials Standards



050175

172.101



Supko
§172.101

Classification
05-0175

July 11, 2005

Edward Mazzullo
Director
Office of Hazardous Materials Standards
U.S. Department of Transportation Research and Hazardous Materials Safety
400 7th St., S.W.
Room 8430
Washington, DC 20590

Dear Mr. Mazzullo,

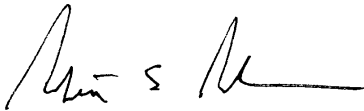
My company, Kaivac, Inc. needs your assistance in interpreting the CFR for a commercial cleaning chemical that we manufacture for the cleaning of restrooms. Being a good corporate citizen, we have recently begun a review of our MSDS sheets and questioned the DOT class for one of our products. In our research we have discovered discrepancies in the CFR in how to determine the proper DOT Class. We have attempted to contact your office multiple times via phone without return response. I am hoping this written communication can help to verify the correct interpretation of the CFR.

The discrepancy we would like to bring to your attention is between the US DOT approved test Corrositex and the Hazmat Table under CFR 49. Our chemical that is in question is called KaiBlooeey which contains diluted amounts of phosphoric and sulfamic acids. It was recently tested at an independent lab using the protocol skin test system, Corrositex, approved by the US DOT. The results showed that KaiBlooeey should be classified under Packing Group II. However, the chemicals in KaiBlooeey, Phosphoric Acid, ID# UN1805 and Sulfamic Acid, ID# UN2967 both fall under Packing Group III, in their concentrated forms. We can't seem to find

the correlation between components of KaiBlooeey, in their concentrated forms, being declared less hazardous than our chemical, which only uses 10% dilutions of those same chemicals.

KaiBlooeey is a vital component to our product line here at Kaivac and we want to know that we have it properly classified. We do not want it to be placed into Group II, which has higher shipping charges, unless it is clearly warranted. We have spoken with several specialists at the Office of Hazardous Materials Standards and have left several messages with chemists for guidance. We are still awaiting a response. Any help we can get from your office would be appreciated. Please contact me with any pertinent information that can help us understand where our chemical stands.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Robinson Sr.', with a stylized, flowing script.

Bob Robinson Sr.

President/CEO